

On motion of Senator Douglass of Jefferson.

The Senate adjourned till 10 o'clock to-morrow morning.

SECOND DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, January 12, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Rev. R. K. Smoot.

On motion of Senator Harrison

The reading of the Journal of yesterday was dispensed with.

BILLS AND RESOLUTIONS.

Bill—By Senator Woods: "An Act to establish a house of correction and to provide for the government and maintenance thereof."

Referred to the Committee on Penitentiaries.

Senator Harrison offered the following resolution:

Resolved, That the President of the Senate appoint one committee clerk, who shall be known as general committee clerk, and whose duty it shall be to wait on any and all committees of the Senate, and perform such other clerical work as may be assigned him, and who shall receive the same pay as other committee clerks.

On Senator Harrison's motion the consideration of the resolution was postponed till to-morrow after the morning call.

Senator Stinson offered the following resolution:

Resolved, That each member of the Senate be allowed to subscribe for and take as many as fifty copies of such daily papers as he may select, to be paid out of the contingent funds of the Senate, at not exceeding three cents per copy, provided such newspapers shall publish the full proceedings of both houses of each day, or a substantial and intelligent synopsis of the same.

Senator Harrison moved to refer the resolution to a special committee.

Senator Burney moved to amend by adding committee of five.

Accepted, and

Senator Pope moved the previous question.

Seconded and main question ordered.

The Senate refused to refer to special committee by the following vote.

YEAS—10.

Abercrombie,	Claiborne,
Allen,	Douglass of J.,
Armistead,	Glasscock,
Burney,	Harrison,
Calhoun,	Woods.

NAYS—21.

Bell,	Knittle,
Burges,	Lane,
Camp,	McDonald,
Davis,	MacManus,
Douglass of G.,	Pope,
Field,	Simkins,
Frank,	Stinson,
Garrison,	Terrell,
Gregg,	Upshaw,
Houston,	Woodward,
Jarvis.	

The Senate rejected the resolution by the following vote:

YEAS—14.

Burges,	Pope,
Douglass of J.,	Simkins,
Gregg,	Stinson,
Houston,	Terrell,
Jarvis,	Upshaw,
Lane,	Woods,
MacManus,	Woodward.

NAYS—17.

Abercrombie,	Douglass of G.,
Allen,	Field,
Armistead,	Frank,
Bell,	Garrison,
Burney,	Glasscock,
Calhoun,	Harrison,
Camp,	Knittle,
Claiborne,	McDonald.
Davis.	

Senator Claiborne submitted the following special report:

Hon. B. Gibbs, President of the Senate:

Your Committee appointed to notify his Excellency, the Governor of the State, that the Senate of the Twentieth Legislature had organized and were ready to receive any communications, have performed the duty, and his Excellency will communicate with the Senate at once.

CLAIBORNE, Chairman.

The report of the committee was received and the committee was discharged.

The following message was received from the Governor, and

On motion of Senator Harrison,

Was read as follows:

EXECUTIVE OFFICE,
STATE OF TEXAS,
AUSTIN, January 11, 1887.

Gentlemen of the Senate and House of Representatives:

For the fourth time I have the honor and pleasure of communicating with the chosen representatives of the people on matters pertaining to the general weal of the commonwealth. In doing so I take pride in welcoming you to the capital, and feel confident that the wise consideration you will give the questions coming before you, coupled with your knowledge of the inefficiency of many of the laws now on our statute books will enable you to promptly pass such measures as the needs of the public demand and the circumstances of each case call for.

REVENUE AND TAXATION.

The present rate of taxation may be regarded adequate for general purposes. Of course, in case of large and costly improvements in the way of public institutions, such as have been effected in the last four years, and the erection of a new asylum for the insane—none of which can be classed as current or usual expenses—the present rate would not be sufficient. For all ordinary purposes, however, it would be found equal to our needs, and will produce the necessary revenue to meet every obligation and perhaps yield a surplus.

German to this subject, it is proper to remind you that under the laws as they now exist there is no mode by which collectors and accounting officers can tell how much school fund and how much general revenue has been collected until close of the fiscal year. As a consequence the Comptroller can arbitrarily apportion same from the general moneys placed in his hands, and oftentimes make the separation or division without reference to actual facts! The Comptroller should not be charged with this duty, because he has nothing to guide him. Under the present condition of things he may deposit to the school or general revenue according to his best judgment or caprice, and thus augment or diminish either fund by a simple stroke of the pen!

There is also a custom now prevailing of money going into the hands of the Comptroller which is in direct violation of the spirit and letter of the Constitution. Our form of government provides for but one custodian of the people's money after it is paid over by the

county collectors, and that custodian is the Treasurer of the State. To correct this abuse the Comptroller should merely be charged with making settlements and issuing deposit warrants corresponding with same, but the money in every instance should be paid *directly to the Treasurer*.

Again, I repeat that there is great inequality in the payment of taxes in this State. There are too many ways by which large wealth avoids its just burden of government, especially in regard to the irregular assessment of property. The loose methods often adopted under this heading screens the rich from bearing their honest responsibilities, and imposes on the middle classes a proportion of taxes greatly in excess of their rightful burden.

During a portion of the past four years taxation has been reduced from twenty-two (22) to seventeen and a half (17½) cents on the dollar. The government was enabled to get along on this small revenue by using or borrowing certain special funds that were in the treasury, and which for years had been lying idle, drawing no interest whatever for the institutions to which they belonged. These moneys were withdrawn from circulation, they lay in the treasury vaults as so much dead capital, they were unproductive and unprofitable; and, therefore, when the State was called upon to meet extraordinary expenditures, and cope with emergencies for which no provision had been made, there were only two ways left open, namely—either to increase the general taxation on the people, or borrow from the idle wealth which had been so long shut up seemingly for ornamentation rather than use. I suggested the latter course, and what has been the result? These special funds that had been locked away and were earning nothing are now drawing six per cent interest for the institutions to which they are credited, every dollar of them is secured by bond in conformity with the statute, and thus they have been made to serve the double purpose of accommodating a public want while greatly adding to their own material value. The institutions they represent receive an income now where otherwise they would not derive a cent of profit; the money that was withheld from public circulation, and uselessly tied up in our vaults, has been returned to the hands of the people, and taxation has been reduced to the lowest possible rate. If these funds amounted to millions instead of two hundred and forty thousand dollars, it would be

wise statesmanship to use them in the same way.

STATE AND MUNICIPAL GOVERNMENTS.

Notwithstanding the fact that the running expenses of government are constantly growing larger, it is gratifying to know that here in Texas they are more than offset by the steady, healthy increase in taxable values which prevail in every section and characterize every branch of industry and trade.

I desire to specially impress on the Legislature the importance of throwing all necessary restrictions around municipal governments, county and city, relative to the creating of debts and levying taxes. It is our experience that all local governments have an universal tendency to levy all the taxes law will permit. Too much caution cannot be given this branch of legislation, and while considering it we might remember with profit the axiom that "a people who are in debt are in slavery." For all necessary public buildings and improvements they should have ample power, but for luxuries and enterprises of doubtful expediency the lines should be closely drawn. If some system could be devised by which to lessen or avoid the present excessive rates for collecting revenues it would greatly reduce taxation. Some relief might be had on this score by requiring the citizen to go forward and pay his taxes to the party appointed to receive the same in each county, or, in case of default, the legal costs of collecting could be added to the amount due, thus reimbursing the officer in the event of his having to go out and make collections.

There is another matter of grave import connected with this question. In many counties of this State the costs of collecting and assessing, when added to the amounts paid them for free school purposes, more than exceed the total revenues of these counties. The result is that this immense territory not only does not pay one dollar toward the support of the government, but it actually draws on the other sections for its education and legal sustenance! I invite the attention of the Legislature to this inequality, and suggest that an appropriate remedy be provided for its rectification.

SCHOOL, UNIVERSITY AND ASYLUM LANDS.

Under the operation of the Act of

April 12, 1883, the Land Board has sold of the school lands 3,000,000 acres, of the university lands 21,000 acres, and of the asylum lands 177,000 acres, at an average price of \$2.00 per acre. These lands have been sold to actual settlers only. In the act referred to is found the authority to lease.

I would remind the Legislature that it is no easy matter to change the ideas and habits of a people when those ideas and habits have been indulged in for ages without hindrance or restraint. And as no former administration even attempted to utilize the people's grass, or derive a rental from the unoccupied lands of the State government, it is not to be wondered at that the laws passed during my term of office, on this most important question should excite some little opposition from interested parties, and cause them to seek means to avoid and defeat these laws, if possible. People who have been accustomed to graze their cattle free of charge on the State lands may be slow to approve the order of things which aims to make them pay for benefits conferred; but I have no doubt that in a very short period the principle of dealing with the State as one would with an individual will be universally recognized, and that stockmen and others will willingly—aye, gladly—render to the commonwealth a fair equivalent for those privileges which they have so long enjoyed gratis.

There is no penalty affixed by the Act of 1883 for using the public lands without authority, nor is there adequate means provided to enable those who would execute said law to successfully do so. The Enclosure Act of 1884 was not intended or designed to aid or amend the Act of 1883, but was simply enacted with the view of preventing illegal fence cutting.

It was asserted and urged by fence cutters and their apologists that the large capitalist stock raisers were monopolizing all the grass and enclosing vast areas of land to which they had no legal right, and—to meet the emergency of the time—the Enclosure Act was passed at the special session of 1884.

It will be remembered that the Executive then urged that the unlawful enclosure of public lands be made a felony, fence cutting having already been declared a penitentiary offense. Failing in this effort, the Executive suggested that the crime denounced in the Act of 1884 should be prosecuted in some interior jurisdiction. All these efforts, however, failed, and the Act be-

came a law without attaching to it any of those necessary provisions. The fault is not in the system of leasing. The defect is solely and entirely in the law and creation of the board.

It was urged by thoughtless persons that the Governor should take the army and by force destroy these supposed illegal fences, thus judging for himself questions that could only be determined by the courts. This, too, at the very time when the courts were deciding that the law on this subject had not been violated. It is hardly necessary to say this invitation was promptly declined; for as well might it be insisted that where a notorious murderer was acquitted by the jury, or where it was evident he would be, the Executive should take him from the courts and have him executed. The time has not yet arrived when, in governments professing to be republican, the Governor of a State can be invested with authority to determine beforehand questions that belong of right to the tribunals of the country, and I hope such a day will never come. If it should, I for one will neither seek nor accept any such authority. Even the action here referred to was urged in the face of the fact that a proposition to engraft such authority in the bill (Act of 1884) was promptly voted down, as it should have been, by your predecessors. Imagine, if you can, the Executive of Texas committing by force of arms the identical offenses which would send other citizens to the penitentiary, and for the discovery of whose perpetrators he was at that moment offering large rewards.

THE LEASE LAW.

Many objections have been advanced, *ab initio*, against the principle of leasing our public lands. It is safe to say that at least one-half of our vast domain will not be sold at remunerative prices within the next fifty years, and unless they are leased the State cannot possibly derive any revenue from them. That the lands are now held at too high a figure I have not the slightest doubt. I am also well satisfied that a large proportion of them should be placed on the market at less than two dollars per acre, the present price. Better for the State were the scale revised, and better for those in search of homes were the figures so reduced as to hold out an inducement to the actual settler to people and cultivate our untenanted territory. Imperfect as the system is now, we find that the schools derive

an annual revenue of \$200,000 from lease alone, and an annual interest of \$200,000 on sales.

The Constitution and laws set apart one-half the public lands for the benefit of free schools. I have never known (as it was done when I had no connection with the administration of the government) how or in what manner the schools obtained their half or like quantity for the lands given to build the new capitol, and which were sold under the Fifty-cents-an-acre Act.

Much of the confusion arising in the disposition of the lands, both by sales and leases, has been caused by the number of persons composing the Land Board. Conceding that each member has been equally patriotic and equally faithful to the public trust, from the common standpoint and judgment of each, still the difference in opinion which have frequently arisen have led to constant changes in the mode of selling and leasing, always resulting in compromises of some kind and seldom reflecting the opinions of a single member. It would be far better to have this branch of the government in charge of some capable and trustworthy person who would be directly responsible to the Governor for his acts. The country would then know where the responsibility resided, and the person charged with it would be more careful in the diligent and prudent discharge of his functions.

This remark will apply to every branch of the public service. It applies to legislative bodies in a certain degree, as well as to the ordinary affairs of government. The closer you can concentrate responsibility the more will the public service be improved. I speak now at a time when I cannot be charged with seeking to grasp power, and the suggestion I throw out springs from watchful observation and actual experience.

In my message to the special session of the Legislature in 1884, I said: "It is a singular system of government that holds the Governor responsible for everything, and yet strips him of all power." And this I now repeat. Let the people hold the Executive strictly to account only for those matters he may control, but further than this they should not go. Under our form of government it is impossible to get rid of a worthless officer within the period of his official life, and in some localities it cannot be done at all. By fixing the responsibility in an individual (when practicable) you facilitate the purpose of the Executive, and ena-

ble him the more readily to correct the abuse from which the public may suffer.

These State lands should be managed as an individual would manage them. There is no more mystery in the proper administration of government than there is in the judicious conduct of any other enterprise. The same business ideas will be successful in government that will succeed in private affairs.

The lands must be classified. Let the Governor appoint agents to do the work, giving each a district. Then the poor man or the rich, when he wants to buy a home, will know to whom to look. These agents can explain the character of the lands, and, if necessary, they can show them. Let them be disconnected in other respects with the government, State or municipal. After due inspection or satisfactory description of the land, a price is mutually agreed upon, the agent sends forward the sale to be approved or disapproved by the superior (whether he be the Governor or Land Board), and the entire transaction is settled in half the time it takes to make a formal application to the present board, and at such prices as the character of the lands will justify.

The government must sell according to quality, and arbitrary prices will not do. The sooner, therefore, the existing system is modified the better it will be for the general public.

The Legislature should provide for a venue and court to collect the rents from persons who have been occupying these lands since the date of the Land Act of 1883. They are still good for these charges, and should be made to pay. Otherwise, those who have already paid should have their money refunded them.

THE PENITENTIARIES.

The system of penal servitude is one of the most difficult problems of government, and its embarrassing features are aggravated by the fact that nearly three thousand convicts swell the roll of our penitentiaries.

At the Rusk institution the iron industry has been successfully established, and is now in full operation. After the completion of the furnace it was leased to Messrs. Comer & Farris, and under their management it turned out about nine tons of iron per day. They finally pronounced the industry a failure, and surrendered their contract. Its operation was then under-

taken by the State, and under its present management it has turned out, on an average, thirty tons per day of splendid iron. The ore is inexhaustible, and the enterprise is a complete success. The board has added to the grounds by the purchase of 187 acres of land from Dr. Jamison, and also coal and wood lands from other persons. The foundry and machine shops are in successful operation, and are now turning out great quantities of columns, pedestals, bases, and castings for our new Capitol, as well as water piping, and various other articles for which there is a good market.

At Huntsville the wagon and furniture industry is carried on, and all the clothing, shoes, hats, etc., needed for both penitentiaries are manufactured. These factories are also conducted by the State, and so successful have they become that the management has recently purchased a farm and added a large store house. These are all paid for; the farm is in fine condition, and at this, as well as the other prison, the convicts are in excellent health.

The Penitentiary Board has also purchased, with my approval, a fine sugar farm on Oyster Creek, in Fort Bend county. It consists of 2,700 acres, cost \$25,000, and was paid for out of the earnings of convicts employed in building the narrow gauge railroad from Rusk to Lufkin.

The true theory of this species of servitude demonstrates that the convicts should be confined within the prison walls, and while this idea forms a large factor in the political capital stock of many an aspiring office seeker, yet nearly all of them shrink from an enthusiastic advocacy of the doctrine the moment you confront them with the increased taxation the change entails.

Passing from this phase of the difficulty, let us briefly examine it from another and a more serious standpoint. We hear it constantly asserted by well meaning people that the inmates should not come in competition with free labor. How are we to prevent it? I would be glad if I could see a way out of the dilemma. But there is only one way to avoid competition, and that is for the tax payers to make up their minds to sustain the convicts in idleness at the expense of the public. This is the plain issue, and when the people are prepared to meet it, then, but not till then, will this problem be solved.

The number of convicts is constantly

increasing. As one of the means of preventing or lessening this I suggested in my message in 1883 the erection of a reformatory and the remodeling of our Criminal Code. This I again urged upon the Legislature. The youth should not go to the penitentiary with the worst class of criminals, nor should men be sent to a felon's cell in cases where only short terms of imprisonment are awarded. We now have the farce often enacted in this State of men being sent for a day, and in some cases only for an hour, to the penitentiary. In such cases as these I have never refused a pardon, for no stronger appeal for clemency could be advanced than such a verdict in itself furnishes, and this, too, on grounds of economy as well as justice.

Since the abrogation of the lease in 1883, it has often been a serious question what we could do with the convicts. At one time they were nearly all surrendered by the railroads, thus magnifying the complications. We tried renting and farming, and although little could be realized in this way, we had the satisfaction at least of keeping them healthy and paying expenses.

When the proposition came to change the material in the construction of the new Capitol from limestone to granite, the Board, at my suggestion, took the responsibility of letting the contractors have a number of the men to work at sixty-five cents per day, working in the hills and cutting stone. By this, as one of the means at least, we have succeeded in getting the structure built of the finest granite material in the world. We have also been enabled to make the prisoners thus employed not only self supporting, but have realized \$15,000 clear profit from their earnings, and at the same time educated a number of them as granite cutters.

The Nineteenth Legislature failed to make appropriations to pay for carrying prisoners from the jails to the penitentiaries, and I was compelled to use from the general penitentiary appropriation the sum of \$28,300 to meet this demand.

It is often said that "the penitentiary question must be settled." The penitentiary question will never be settled so long as a penitentiary is maintained and men are sent to it. The prison question is one that has ever and will continue forever to be a vexed one. The chief trouble is, how to prevent their industry coming in conflict with free labor. If the convicts are placed

within the walls and forced to produce or manufacture anything the world wants, a conflict must arise with outside labor. They might be put to work at something that the world does not want, and in that event no conflict would arise, but how would such labor support them? And yet this is not all: there are some who can never be kept inside the walls with proper regard for their health. Farms belonging to the State is the only field for them, and therefore I recommend the purchase of additional lands to work them on.

We now have a number of prisoners well skilled in cutting stone, and in view of the fact that additional penitentiaries will have to be built, I recommend the purchase of the water power at Marble Falls and the granite quarries in Burnet county, if they can be had at reasonable figures. Ample power can be had there for any amount of machinery, and the granite industry will afford labor for a large number of people for an indefinite period. The Burnet granite is in all respects the equal of the red Scotch granite so extensively imported into this country, and as it is as inexhaustible as it is excellent, and the location being admirably adapted to the purpose mentioned, I think the Legislature would subserve the best interests of the commonwealth in purchasing the land as suggested.

It is not clear that the money necessary to place the convicts within the walls can or should be now raised by taxation. Storms and drouths have so crippled our people that they are scarcely in a position to carry out this theory, and the money necessary to effect the change cannot be borrowed, without an amendment to the Constitution. It will take several millions of dollars to make the walls and buy the necessary stock and machinery to put the prisoners to work.

So far as relates to convicts that properly belong to the penitentiary, I doubt the propriety of attempting a general system of road making; too many prison guards and camps would be required; escapes would be numerous, and general confusion would arise; but I recommend a change in the laws, and a reduction of the number of felony offenses. Make the minor penitentiary offenses misdemeanors, provide for each county working its roads with the prisoners convicted under this heading, but never allow the system thus formulated to be a branch of the penitentiary management. By thus reducing felony of-

fenses you will very sensibly decrease the present army of convicts, and by employing county convicts to work your roads you will make them self-supporting and healthy, and at the same time develop a system of public highways which will soon be a valuable acquisition to the State.

GREER COUNTY.

Under the Act of the Legislature passed May 3, 1882, I appointed Messrs. J. T. Brackenridge, W. S. Herndon, G. R. Freeman and W. H. Burges, as Commissioners, to meet a like commission appointed by the President of the United States, to locate and mark the boundary between the Indian Territory and the State of Texas. The Commission on the part of the United States was composed of Major S. M. Mansfield, Major W. R. Livermore, Lieut. Thos. L. Casey and Lieut. Lansing H. Beach.

The order detailing that Commission on the part of the Federal government was not satisfactory to me, and on the fourteenth of December, 1885, I addressed the Secretary of War the following note:

EXECUTIVE OFFICE,
STATE OF TEXAS.
AUSTIN, December 14, 1885.

Hon. Wm. C. Endicott, Secretary of War, Washington, D. C.

SIR—I have the honor to acknowledge the receipt of your favor of the eight instant, in which you inform me that the President is of opinion that the order detailing the Commissioners in the Greer county boundary question is sufficiently comprehensive. I can not agree with this conclusion of your statement that the ascertainment of the true Red River, and there marking the point where the one hundredth meridian crosses it, is the whole duty devolving upon the Commission. Certainly you are correct as far as you go, but the scope of the treaty between the United States and Spain, of 1819, and the acts of Congress and the Legislature of Texas, devolves another duty vital to a correct understanding of the treaty. It was well known, no doubt, to both contracting parties that Melish's map was not correct. He knew there was a Red River of Louisiana, and that it had a source, but where the source was, or the tributaries or branches, if any, were wholly unknown to him and to the contracting parties. This is the conclusion

drawn from the language of the treaty.

If the two parties had intended that the boundary should be at the point where the true one hundredth meridian crossed the river, it would have been surplusage and quite unnecessary to have added, after discussing the boundary, the words, "All according to Melish's map as improved up to 1818." According to all well known rules of construction this last clause was intended to govern and control what had preceded. The ascertainment of the point where the true one hundredth meridian crossed Red River was an easy task, one that well known rules of mathematics and astronomy could aid in ascertaining. It was capable of demonstration and incapable of furnishing any grounds of misunderstanding between the two governments. The agents of both parties could ascertain it. The true meridian was stable, and so was the stream referred to. But, being conscious of the errors of Melish's map, and that it would not stand the test of demonstration, but having it before them, they undoubtedly intended that the boundary should be at the point where Melish showed the one hundredth meridian on Red River. The concluding language of the treaty, as shown above, it seems to me, carries the conclusion beyond a doubt that they intended the boundary to be where Melish placed the one hundredth meridian. Any other construction would convict the governments and their envoys of using language contrary to well known rules of construction and of adding a meaningless clause to the treaty. What possible use could the clause be unless intended to govern? It may be, therefore, that Melish's map may show that the one hundredth meridian crosses Red River east of Greer county. I only insist that the language of the treaty be followed in laying down rules and giving instructions to the Commissioners. It can not be true that either or both parties can find or ascertain what the treaty means unless they take the whole language used. It is supposed that the business of the Commission is to find the division line between Spain and Mexico on the one side and the United States on the other, and this can not be done correctly if the Commission is restricted to the use of a part of the language of the treaty. I only insist that the language of the treaty be used in giving instructions to the Commissioners.

Be pleased to lay this communication before the President, after reading.

it. I respectfully ask his personal consideration of the letter.

I am, very respectfully, Your obedient servant,
JOHN IRELAND,
Governor of Texas.

I was of the opinion then, and am now, that the order making the detail was entirely too restrictive in its character. The habits and education of army officers inculcate strict obedience to orders, and permit of little or no latitude for discretion.

I believed then, and still believe, that Texas had two points on which she could rightfully claim Greer county: First, that it was undoubtedly the intention of the contracting parties, as shown from the treaty and preliminary correspondence between Mr. Adams and Count De Onis, that the line between Spain and the United States should be at the point where Melish marked the one hundredth meridian west from Greenwich. No one disputes the fact that Melish places that meridian east of the fork, and this, of course, would give Greer county to Texas. If the true one hundredth meridian had been intended it would have been quite unnecessary and meaningless to conclude the description of the line with the words "all according to Melish's map as improved to 1818."

In the second place I hold that the North Fork is the true Red river. The orders, therefore, to the Federal Commissioners to go and mark the point where the one hundredth meridian crosses Red river virtually forbade them to consider our first position at all. As a consequence the Joint Commission resulted in a disagreement—the Texas Commissioners being unanimous for Texas and the Federal representatives for the United States. The practical good, however, resulting to Texas in the work of the Commission is the collection, in a legal form, of evidence and proofs favoring the ownership of Greer county by Texas.

Under the treaty between the United States, and Texas in 1838, it is agreed that each government shall own, possess and enjoy its territory *as heretofore claimed or possessed, and over which it has exercised jurisdiction*, until a boundary is agreed upon between the two governments. The proof being overwhelming, with nothing to the contrary, that Texas has from time almost immemorial exercised ownership over the territory, she is, under

the treaty just spoken of, entitled to Greer county so long as an *agreement* to the contrary is not reached. While on this subject it may be proper to state that Greer county was organized as one of the county municipalities of Texas on the tenth day of July, 1886.

I transmit herewith a copy of the joint labors of the Commission, from which it will be seen that the Federal Commission introduced no proof to support its claims except maps of its own making. For the public service rendered the State by the gentlemen composing the Texas Commission the people ought to feel deeply grateful.

THE MILITIA.

It is not creditable to Texas that she is almost the only State in the Union that has done nothing for its militia. In the last four years the Executive has had occasion several times to call out the volunteer forces, and it affords me great pleasure to state that upon every occasion the volunteer companies, composed entirely of young men, have responded willingly and promptly to every call, although having no commissariat, quartermaster, or other departments for their comfort or sustenance, and great credit is due them therefor.

There is no finer material in the world from which to organize a splendid volunteer army than the military spirit Texas now furnishes, and I recommend that a liberal appropriation be made for perfecting the organization of our volunteers, and providing for the wants of the men, both when they are in actual service and while undergoing the necessary training.

It may be—and I trust it will be—true that the active service of an army in Texas will not be needed, but the total neglect of the Federal agency to perform its obligation in giving us protection does not encourage the hope that an army can be safely dispensed with. No State in the Federal Union has or can surrender the right and duty to protect her own people in case the Federal government neglects to do so.

The fifth section of the fourth article of compact binds the United States to afford all necessary protection to individual States. She has obligated herself to take the initiative, and to see to it that no member of the family of States suffers in life, liberty or property by reason of foreign lawlessness or invasion, and when she fails to do this

she violates the most sacred provisions of the compact.

In view of the experiences of the past and the possibilities of the future, it is prudent to encourage as far as we can the spirit and training of our citizen soldiery. Therefore, I further recommend the establishment by the State of a permanent drill and encampment ground where appropriate exercises may and shall be annually held.

For a detailed statement in relation to the militia and frontier forces, I refer you to the Adjutant General's report, herewith transmitted. To that officer the State is indebted for the economy exercised in this department, and also for the efficiency of the force.

QUARANTINE.

It is a source of profound gratification and pleasure to be able to state that not a single case of yellow fever or cholera has appeared within our borders for four years. The Legislature has been liberal in its appropriations to this service, and no risks have been taken with epidemics. From the day quarantine was established until its abolition the rules were never relaxed, no matter who appealed, or what pretext was assigned.

The people of Texas owe much to that excellent officer, Dr. Swearingen, who has so faithfully and intelligently conducted this branch of the public service, and to him I return sincere thanks for his vigilance and devotion to duty as the Health Officer of the State. All his subordinates along the coast have also rendered efficient aid, and on account of the great labor and amount of duty well performed at Galveston, which is our principal seaport, I call special attention to the valuable services of Dr. Blount. While the whole department has been managed in the most successful and gratifying manner, it has also been economically conducted, and (as shown by Dr. Swearingen's report, herewith transmitted) the sum of \$25,000 voted for contingencies in this respect has been returned to the Treasury.

PENAL LAWS.

The penalty for carrying arms has caused more homicides than it ever prevented. Evil disposed persons, and generally cowards, will carry arms and run the risk of detection on account of the small penalty. Law-abiding and peaceable persons will respect the

law, and do not carry arms—hence they are always taken at a disadvantage. Therefore, I recommend the increase of the penalty, and that it be made a felony.

Since the late opinion of the Appellate Court it becomes necessary to enact some measure which will protect every species of property, real and personal, from wilful injury.

My experience in calls for aid to assist in recapturing escaped persons from the jails leaves no doubt but that a very loose system prevails in guarding prisoners, and I believe jailors and sheriffs should be held to a more strict accountability in the discharge of their duty in this respect.

In another place I have alluded to the fact that men should not be sent to the penitentiary for short terms. I repeat, that no greater legal farce was ever enacted than to condemn persons to these convict prisons for an hour or a day, and the law that allows it should be repealed.

A great number of technical rules have grown up in the administration of the criminal law that subserve no beneficial end; on the contrary, they clog, retard and often defeat the ends of justice. That a court of last resort should reverse a case because the charge of the judge who tried it was not marked filed, although in the record and treated as the charge, or because the venue—that is the proper county where the offense was committed—was not proved by the transcript, although no question was made about it, are remarkable features of the law. There are many others of like character which all, including the courts, agree should be changed or done away with. These technicalities are collated in the report of the Attorney General for 1885, a copy of which I herewith transmit, and suggest legislation thereon.

The penalty in the Enclosure Act of 1884 should be increased, and jurisdiction given to some court that will enforce it.

I have never been able to appreciate that clause in our Penal Code which declares that insulting language used towards another should not justify an assault. That the coward shall be permitted to stand and heap abuse on his neighbor, and feel that his government shields him in so doing, is a species of legal and political ethics which I do not understand. That it is the rule for a State to make cowards of her people, and justify a system that tends to humiliate her citizens, is neither sanc-

tioned by the history of our race, nor in keeping with the intelligence of our time. Insulting language should be treated as an assault, and the man who resents it with a blow should be held as merely acting in self defense, provided he does not inflict great bodily harm or endanger life.

OUR INSANE ASYLUM.

Within the last four years the State has greatly enlarged the asylum for the insane at Austin. The grounds have also been improved and beautified. The place of interment, heretofore located in the park fronting the buildings, has been changed to a more suitable locality a half mile north of the structure, whither the remains of those formerly buried in the old graveyard have been removed.

Among the needed improvements lately added to the asylum is a complete system of sewerage; and I rejoice to say that the institution in its internal management is not surpassed in excellence in any country. I am also pleased to state that the health reports are most gratifying.

Within the same period of time we have erected and completed a new asylum at Terrell, in Kaufman county, and the land on which it stands, which is situated in the suburbs of the town, has been paid for in full. It was opened for the reception of patients on the— of July, 1885, and it now shelters and comforts 267 inmates. This institution is also in fine condition and its management all that can be desired. For the unsurpassed condition of these two institutions the country is indebted to the boards of management and to Doctors Denton and Wallace.

INSTITUTE FOR THE BLIND.

There are now 112 students in this institution, and its management and general condition are in all respects highly satisfactory. The buildings and grounds have been enlarged and improved, and Dr. Rainey's long experience and adaptability for superintendent has been in the highest degree promotive of success. To him and the board of management I tender my warmest thanks for their creditable efficiency.

DEAF AND DUMB INSTITUTE.

At this institute great changes have

taken place. The old wooden buildings have been removed and in their place substantial brick structures have been reared. The grounds are tastefully laid out and improvements are visible in every direction. Among the latter may be mentioned the new building recently completed and now used as a printing and book binding establishment, with deaf-mutes as compositors, folders and binders. The progress of the pupils in education is very marked, and in all things the management of the institute is eminently satisfactory. For the success that has attended it the people owe much to its governing board as well as to its devoted superintendent, Dr. Shapard, and I return them the tribute of my humble thanks. At the same time I suggest that the State is not doing its whole duty by the inmates of this institution. While it is true an education is being given them, it is equally true that that education is necessarily of little benefit unless the State goes further and gives them some trade by which they can make a living when they are discharged from the institute. This view of the matter suggests the advisability and wisdom of enlarging the printing establishment, to the end that the printing and binding of our Supreme Court Reports and similar State work may be executed at that office. It is conceded on all sides, and the proposition does not admit of contradiction, that the deaf-mutes make excellent printers and binders, and that the work they turn out from the establishment is equal to that of any office in the country. Therefore they should be encouraged and I trust some steps looking to the object I point out will be taken by the Legislature.

SUPREME COURT REPORTS.

The system of reporting the work of the Supreme Court should be changed. The reports now cost the profession \$4.00 per volume. This money comes out of the pockets of the people. I recommend, instead of the present system, that a reporter be provided for and paid a salary. Competent men can be had for a reasonable salary per year. Let him be appointed by the Governor, and be required to have the printing and binding done at the State Printing Office at the Deaf and Dumb Institute. With a small increase of appropriation for that establishment it will be enabled to do the work as well

as it is now done in the north, and at one-half the present cost, or less. This saving can be effected for the taxpayers, and at the same time the students of the institute will be taught a trade by which they can make a living and become self-supporting in the future. I refer the two houses to the report of Senator Evans on this subject, to be found at page 224, Senate Journal, Nineteenth Legislature. I have no doubt whatever these reports can be printed and bound at the State Printing Office in as superior a manner as they can be done elsewhere, they will be furnished at half the present cost, and at the same time the unfortunate deaf mutes can be blessed with a practical education by which they can become useful, self-supporting citizens—able to earn a livelihood wherever they may go, and be able to speak by their skilled industry the gratitude their tongues can never lisp in words.

In some of the Northern States their Supreme Court Reports cost little more than one dollar per volume, and it is now for the Legislature of Texas to say whether we shall continue paying into the coffers of a St. Louis printing house more than twice the amount annually which we can get the same work done for here at home.

AGRICULTURAL AND MECHANICAL COLLEGE.

I am glad to be able to announce that this institution is in a most flourishing condition, and that it has been brought to something like that high standard intended by its founders. I recommend that provision be made for the appointment of a board of visitors to that institution, and that said board be paid a reasonable per diem with expenses. Through such a board, whose duty it would be to publish annual reports, etc., the public could be made better acquainted with the advantages of the Agricultural and Mechanical College than now. Within the last few months the institution has had to mourn the loss of the President of the Board of Managers in the death of ex-Senator Pfeuffer. In the demise of such a man the country lost a most valuable citizen and the college a most zealous and efficient supporter. The sons of the farmers and mechanics of this State are reaping a rich harvest from this school.

DISBURSEMENTS.

In a former message I called atten-

tion to the manner of paying accounts of county officers, and suggested the propriety of paying all sheriffs and clerks' accounts in the counties where created. It is a matter of impossibility for the Comptroller to do justice between the State and persons from a distance presenting accounts. He may often withhold the payment of an honest claim, or, as experience often proves, he may approve accounts that should never be paid. The largest appropriation made is to meet these accounts. The district judge has not the time, and it is really no part of his constitutional duty to scrutinize them, and at the end of his term he often approves those presented without even examining them.

The money comes from the people at all events, and if, after the district judge has passed upon them, they had to undergo the scrutiny of an auditor or of the commissioners' courts, and then remain on file in their respective counties, so that they might be inspected by the people, there would be but few illegal accounts presented. Let this be done, and then require the county commissioners' courts to provide for their payment, and if you do you will do away with the possibility of errors in the line referred to.

THE JUDICIARY.

During the last year or two there has been much complaint about the administration of the laws, its delays, etc., and many suggestions have been made looking to an improved system. It appears to me that there is a radical defect in the proposed improvements, because all of them look to the court of last resort for the remedy. I repeat substantially what I have said in a former message—the remedy lies in the trial courts and not those of last resort. Without entering into detail, I have suggested the remodeling of the districts, and the placing of two judges on the trial bench. Pay them better salaries. Let all petty litigation, criminal and civil, be had before these functionaries, and let their judgment be final in that particular class of cases, unless where they certify to a difference of opinion on some important point. In all litigation of a more weighty character give the parties a jury, if they will pay for it, or if the courts ask for it, and then restrict appeals unless there is a certificate of division on the bench.

The benefits to be derived from such a system as this would be—

1. All litigation would be ended at least within one lifetime.

2. The trials would be more satisfactory. The judges hearing the whole case would naturally be more competent to decide correctly than an appellate tribunal.

3. The business would be more rapidly dispatched.

4. The country would be greatly relieved of a very onerous jury duty.

5. There would be a large saving to the country, even after allowing for the salary of an additional judge.

6. Where a case would go to the Supreme Court, the very question to be decided would be pointed out in the certificate of the trial court, and then three judges could do the work which six are engaged in, the dockets would be no longer crowded, the delays complained of would be done away with, and the reduced labor thus effected would give to the Supreme Court plenty of leisure time for either deliberation or recreation.

In this way you begin at the foundation, and instead of increasing the number of Appellate Judges you will soon be enabled to decrease it. If appeals from one tribunal to another are encouraged, the result is that the party who finally succeeds comes out a loser, while his opponent, in too many instances, is brought to the verge of ruin. The last scene closes only when the officers of courts, lawyers and others have swallowed generally more than the entire sum involved in the suit.

It may be urged that all persons should have the right of appeal. The "right of appeal" in petty litigation is the ruin of the parties engaged in it. I do not wish or intend to disparage an honorable profession, but at the same time observation has taught me that most lawyers are anxious to vindicate their own side, and to succeed, and if clients will consent to pay fees and costs, they will always find encouragement to appeal as long as there is a higher court to appeal to.

THE TEXAS VETERANS.

I recommend a repeal of the statute under which land certificates are now being issued to Texas veterans. I have believed and still believe that under a fair construction of the law these certificates were patentable in Greer county. That county contains about 1,800,000 acres, and even if all the veteran certificates were located there,

there would still be one-half left to the free schools, with some 200,000 acres to spare.

Why shall a government mock its fathers by tendering them a bounty that turns to ashes in their hands? Such action is only equalled by the Act of a former Legislature, which provided that these old patriots should have medals—"provided they had them made at their own expense!"

Sooner or later these certificates, as well as the large number improvidently issued to railways after the lands were exhausted or withdrawn from location, will furnish the basis for demands against the State.

STATE TROOPS.

This extra force has been of great service during the last two years. In its maintenance a wise economy has prevailed, and in all other respects its management has been satisfactory. The Legislature appropriated \$120,000 for this service, and there has been used only the sum of \$87,634, leaving an unexpended balance of \$32,365. In every instance where the active aid of the State troops has been sought they have responded with alacrity—always acting in subordination, however, to the regular civil authorities.

EXEMPTIONS FROM TAXATION.

There is a growing tendency to accumulate property in the names of various organizations so as to bring it within some of the exemption laws, and thus relieve it from taxation. This is another species of inequality as to the burdens of the government which demands the attention of the Legislature. During the year past there has been a suit decided against the county and State in an attempt to tax certain property in Travis county. The suit was in the name of A. R. Morris, and under my advice and that of the Attorney General, Mr. Morris appealed the case on my assurance that I would bring the subject before the Legislature and ask provision for saving him harmless on his appeal bond, which I now do.

PUBLIC PROPERTY.

The history of this State is a curious one. We accord to our early rulers great patriotism and wisdom, but they appear to have set but little value on public grounds and land generally. Texas was once the owner of all her soil. She gave it away, however, and then purchased back the ground on

which the capital city now stands. To-day there is not a single public park or acre of ground for recreation or pleasure in or about the city. The State has parted with the title to all her ground, but whenever her needs increase she has to purchase property at exorbitant prices, no matter whether the property be required in or about this city or in the country for the use of her public institutions. In view of these facts I recommend that all the public ground still owned by the State in this city be retained by the State for future use. With this object and for this purpose I have declined to sell the five acres on the south side of the river, formerly used by the Fish Commissioner, although I was authorized to do so by the Legislature, and I recommend that the property be withdrawn from sale.

The lack of parks and public grounds in and around Austin, the capital of the State, is greatly to be regretted, and if some feasible scheme could be devised whereby the omission could be supplied, legislation on that subject would not be in vain. Herewith I transmit the report of the Superintendent of Public Buildings and Grounds, to which I invite the attention of the Legislature.

THE NEW CAPITOL.

After the work on this building had progressed to the completion of the basement story and the water table, the contractor stated to the Capitol Board that he could not procure the limestone required by the contractor for the building, and proposed a change to Indiana limestone. This proposition was the subject of much discussion, and finally a majority of the Board voted to accept the Indiana limestone.

The law gave to the Governor on behalf of the State and to the contractor the ultimate authority to make changes in the original contract, and while I had very great respect for the views and opinions of those voting to accept the Indiana limestone, I considered it my duty to the people of Texas to refuse that stone and to insist that if any change was made, it should be to Texas granite. This I did, and the results are to be seen in the grand structure now towering upwards on Capitol hill.

It will require considerable money to put the grounds in order and to furnish the new capitol. I have assurances that the building will be com-

pleted and ready for occupancy by the time the Twenty-first Legislature meets. I call your attention to this matter so that you may take such action in the case as you in your wisdom see fit. In the meantime it is proper to say that for durability and completeness the edifice so far as it has gone is unsurpassed, and posterity will have no reason to be ashamed of the work.

The granite for this building is a gift to the State from Messrs. Westfall, Lacy and Norton, owners of the quarries. I herewith transmit a copy of the last report of the Capitol Commissioners, to which I invite a careful perusal.

There has been some criticisms indulged in by persons in various parts of the state of the manner in which the Board has conducted this enterprise, and I suggest the appointment, of a committee whose duty it shall be to make a thorough investigation into the manner of constructing the building and everything connected with it, so that the people may be advised through their chosen representatives.

THE GOVERNOR'S MANSION.

This building, furniture and grounds, are old and dilapidated, requiring constant repairs and attention. In 1883 the Legislature appropriated \$4,500 towards repairs. This sum was expended under the direction and supervision of Capt. McLaurin, one of the present Capitol Commissioners. In addition to that sum nearly \$200 of the contingent fund was used for the same purpose. The house was plastered, cemented and painted, so that water does not penetrate the walls, and good sewerage has been completed to and connected with the main state sewer leading to the river. The roof was also repaired, some new furniture was placed in the building, but still, by reason of its age and decayed condition, the mansion needs constant renovating, and means should be provided to that end.

EDUCATION.

Steady and valuable improvements are going on in our free school system. In 1882 we expended \$1,103,425 for free schools, and in 1886 the amount expended reached the sum of \$2,362,226.25. This is exclusive of the University, the Agricultural and Mechani-

cal College, and the two Normal schools. Of course the system is not yet perfect, and it never will be until some of the critics are charged with formulating a system.

THE STATE UNIVERSITY.

This institution is in its infancy, but on a permanent basis. The faculty is an excellent one, and we look forward to the near approach of the time when our people will educate their children at home, and the children of Texas will crowd the walls of the University of Texas.

I trust that a way may be found of enabling the Regents to speedily complete the building and to put into operation the Medical Department. In this connection I call the attention of the Legislature to the claim against the State for money used at the Prairie View Normal School in 1881-2, amounting to \$22,495.75. This amount should be refunded to the University.

I invite attention to the report of the Board of Regents, a copy of which I herewith transmit.

THE NORMAL SCHOOLS.

The Sam Houston Normal Institute was never in such an excellent state of efficiency as now, and under the able supervision of its board of managers and Prof. Baldwin it ranks among the very first schools of its class. The State is being rapidly furnished with well trained young men and women from this institution, and I am gratified to know that in nearly every instance they are fulfilling their obligations to the commonwealth by teaching the length of time stipulated on entering the institute.

The Prairie View Normal is also doing well, and although the pleasing results visible at the Sam Houston are not here demonstrated in the same ratio, still it is effecting great good in the education of the colored people of Texas, and gives promise of permanent benefit.

REVISION OF THE LAWS.

The Constitution (Art. 3, Sec. 43, requires the Legislature to provide for a revision of the laws every ten years). The code of laws we now have was provided for by the Legislature in July, 1876, and the prescribed period having now elapsed it is proper for this Legislature to make a like provision.

PUBLIC HIGHWAYS.

There is no doubt that the present "road law" is very defective, and, as a burden of government, very unequal in its operations. If a proper revision of our penal laws is had, as suggested elsewhere in this message, and if minor offenses are made misdemeanors instead of felonies, and further, if the various counties are *required* instead of being *permitted* to work the roads with county convicts, the trouble with our highways will be in a great measure solved. The law should be so framed that those in charge of that class of convicts should be held to a strict account that the prisoner does the work he is placed at in a thorough manner. If a loose system is adopted it will prove disastrous to the public and the counties.

FEES TO OFFICERS.

In view of the fact that a large number of cases in which the State is a party are filed in Travis county, it would seem that the officers of that county should have some compensation. These are cases where no provision is made for the payment of fees. Even now a considerable bill, amounting to about \$1000, has accrued in this way, and it is submitted that some provision should be made to meet such cases.

RAILWAYS.

At the present time there is a general movement all over this State to supply the vacant fields with railway facilities. It is well known to those who take the trouble to investigate, or who have kept up with the current history of the State, that I have opposed all subsidies to railway companies from my first entrance into public life in 1873, whether in lands or in money. I opposed the amendment to the Constitution in 1873 by which the lands could be used in that way, and I never believed that there was any authority in the Legislature to tax the people for the purpose of subsidizing corporations. There is now no money, nor authority to give money or lands (as there are no lands) in such a way. But as the railroads, have banished all other means of traveling and transportation, and while the absolute property in them belongs to the stockholders, yet they are *the people's highways*. Their errors and the abuses they may practice should be

corrected. The States, and not the national government, can correct such abuses. The federal government has no constitutional authority over them. If whatever wrongs they indulge in towards the people are not corrected, the failure will be laid at your doors. But railways should not be crippled or destroyed. They should be brought to the highest state of efficiency in the interest of the public; and this consideration, and this only, should be the chief aim of legislation and the motive that should inspire it.

INSURANCE, STATISTICS AND HISTORY.

Much good has been accomplished to the people through this department. Its management has been thorough, and I hope it will meet with favor at your hands. The thorough management and great benefits resulting from this department are due to Hon. H. P. Bee, who has so well conducted its operations. In referring to this department I call special attention to the recommendation of the Commissioner for the establishment of a Bureau of Agriculture. I believe this would redound to the great good of the country, and I join in the recommendation.

THE DROUTH.

With two partial failures in crops in the northwest and a prospective failure in the small grain crop in the spring, the situation in a tier of counties in the west, about twenty-five in number, is not encouraging. I invite the attention of the Legislature to the condition of affairs in that region, and if any relief can be given I trust it will be done. While the Legislature is prohibited by the Constitution from granting relief where a forfeiture has taken place, still, where persons have been forced to abandon their homes and purchases, the Legislature can withhold such lands from market for the present in order to give the party who purchases an opportunity to re-bid and thus save his improvements and labor bestowed on the land, and I recommend that this be done.

STATE DEPARTMENT.

In closing my four years' service, aided by Mr. Baines, Secretary of State, I wish to invite the attention of the Legislature to the constant improvement in that branch of the public service. To this Secretary I and the people owe much, and the improve-

ments can only be seen by an examination of his report, and the condition of that department. To him and his excellent clerks I return sincere thanks for their earnest efforts in behalf of the people.

OTHER REPORTS.

I invite your consideration of the reports, and valuable suggestions made therein, of the Superintendent of Public Instructions, the Commissioner of the General Land Office, Treasurer, and other departments and officers, herewith transmitted.

Perhaps this will be my last official communication with the people's Representatives, and I may be permitted to say, after four years' labor devoted to the interests of the great commonwealth, that I may have made some mistakes during this service; but a retrospective view of the main issues that have demanded my earnest consideration fails to disclose any action of mine, under existing laws, that I would change.

My acts of the last four years are well known to you and the people, and if that the future historian will record the truth only, I shall be satisfied.

Though our State has been visited by drouths and floods which have brought distress to very many of our people, and want is still struggling with citizens of some counties, I congratulate you upon the splendid condition of the treasury, whose venerable custodian now holds more money to the credit of the general revenue than he did four years ago when I took the oath of office, and against which there is but little outstanding claims.

Very respectfully,

JNO. IRELAND.

(Senator Pope, President pro tem., in the chair.)

Senator Woodward offered the following resolution:

Resolved by the Senate of the State of Texas, That five thousand copies of the Governor's message be printed.

Senator Knittle offered the following substitute:

Resolved, That five thousand copies of the Governor's message be printed in English, two thousand copies in German, one thousand in Bohemian and one thousand in Spanish.

The substitute was accepted.

Senator Woods moved to strike out the word "one" after the word "Ger-

man" and insert in lieu thereof, the word "two."

Accepted and adopted

(The President in the chair.)

Bill—By Senator Woodward: "An act to restore civil and criminal jurisdiction to County court of Live Oak county."

Referred to Judiciary Committee No. 1.

Senator Glascock offered the following joint resolution:

Resolved, That a committee of three be appointed by the President, to act with a like committee from the House of Representatives, for the purpose of perfecting arrangements for counting the vote for Governor and Lieutenant Governor, and for making arrangements for the inauguration of these officers.

Adopted.

Senator Allen offered a resolution touching rights in public free schools.

Referred to Committee on Education.

Bill—By Senator Burney "An Act to amend chapter 61 of the General Laws of Texas, passed by the Nineteenth Legislature, and approved March 27, 1885"

Referred to Judiciary Committee No. 1.

On motion of Senator Houston.

Senator Abercrombie was added to Judiciary Committee No. 1.

On motion of Senator Terrell,

Senator Bell was added to Judiciary Committee No. 1.

On motion of Senator Pope.

Senator Houston was added to the Committee on Public Buildings and Grounds.

On motion of Senator Glascock, Senator Allen was added to Committee on Education.

On motion of Senator Jarvis

Senator Stinson was added to the Committee on Finance.

Senator Houston offered the following resolution:

Resolved, That the President of the Senate be and is hereby authorized to immediately appoint an Assistant Doorkeeper, and that his compensation be fixed at \$5 per day.

Lost.

On motion of Senator Frank,

Senator Field was added to the Committee on Penitentiaries.

The following resolution, offered by Senator Calhoun, was adopted:

That Senator C. J. Garrison be added to the Committee on Penitentiaries. That J. H. Calhoun be relieved from

serving as a chairman of said committee, and that Senator C. J. Garrison be made chairman of the Committee on Penitentiaries.

On motion of Senator Glascock, Senator Gregg was added to the Committee on Education.

On motion of Senator Terrell,

Senator Calhoun was made Chairman of the Committee on the General Land Office

Bill—By Senator Glascock: "An Act to amend Article 3200 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Bill—By Senator Terrell: "An Act to amend Article 1653, Title 33, of the Revised Statutes."

Referred to Judiciary Committee No. 1.

On motion of Senator Garrison,

The Senate adjourned till 10 o'clock to-morrow morning.

SECOND DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, January 14, 1887. {

The Senate met pursuant to adjournment.

Lieut. Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Terrell,

The reading of the Journal of yesterday was disposed of.

The following message was received from the House:

SENATE MESSAGE.

Geo. C. Pendleton of Bell, Speaker.

Will Lambert, Chief Clerk.

George W. Finger, Reading Clerk.

Sam H. Dixon, Journal Clerk.

J. S. Boggs, Calendar Clerk.

W. L. McDonald, Engrossing Clerk.

John Kellum Enrolling Clerk.

J. C. Carr, Sergeant-at Arms.

J. D. Montgomery, Assistant Sergeant-at-Arms.

John T. Dixon, Doorkeeper.

J. R. Dunlap, Assistant Doorkeeper.

Frank Mullins, Postmaster.

F. T. Mitchell, Chaplain.

Also that the House has adopted the following resolution:

Resolved, That a committee of three be appointed by the Speaker to act with a like committee from the Senate to arrange for counting the vote for